IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 746/2001

SHRI GANESH PACKAGING INDUSTRIES & ANR.
Vs.
TRIVENI CONTAINER PRIVATE LTD., JAIPUR

DATE: 08.05.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. Mahendra Goyal for the accused-petitioners.
Mr. R.K. Daga for the complainant-respondent.

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The present criminal revision petition under Section 397 r/w Section 401 Cr.P.C. is preferred by the accused-petitioners against the judgment dated 01.08.2001 passed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Jaipur & Additional District & Sessions Judge, Jaipur City, Jaipur in Criminal Appeal No. 128/2001, whereby the appeal against the order of conviction and sentence dated 13.02.2001 passed by the Additional Civil Judge (Jr. Division) & Judicial Magistrate No.16, Jaipur City, Jaipur in Criminal Case No. 24/98 has been partly dismissed and the accused-petitioners have been awarded a sentence of fine of Rs. 5,000/-, in default of

payment of fine to suffer S.I. for three months for the offence under Section 138 of the Negotiable Instruments Act and also awarded compensation to the tune of Rs. 1,75,000/-.

The complainant-respondent filed a complaint under Sections 420 IPC and Sections 138 and 141 of the Negotiable Instruments Act against the accused-petitioners in the Court of Judicial Magistrate No. 16, Jaipur City, Jaipur.

Learned counsel for the accused-petitioners submits that compromise has been arrived at between the parties outside the Court and the amount which is required to be paid by the petitioners has already been received by the respondent. Now the only controversy remains is that the money deposited in the Court of Judicial Magistrate No.16, Jaipur City, Jaipur amounting to Rs. 85,000/- be released in favour of the complainant-respondent Triveni Container Private Limited as per the compromise.

Further the Hon'ble Supreme Court in the case of **Anil Kumar Haritwal and another Vs. Alka Gupta and another, 2004 AIR SC 3978** has held that Sections 138, 147 of the Negotiable Instruments Act- Offence of cheque dishonour- Compoundable in view of Section 147-

Conviction and sentence for offence under Section 138 set-aside as the dispute is settled and amount due to complainant has been paid.

In view of the ratio decided by the Hon'ble Supreme Court in the aforemention case of **Anil Kumar Haritwal and another Vs. Alka Gupta and another (supra)** and in view the fact that compromise has been arrived at and the dispute is already resolved between the parties, the impugned judgment dated 13.02.2001 passed by the trial Court and the judgment dated 01.08.2001 passed by the Appellate Court are herewith quashed and set-aside. The trial Court is directed to release the amount of Rs. 85,000/- in favour of the complainant-respondent Triveni Container Private Limited forthwith.

With these observations, the revision petition stands disposed of.

Record be sent back immediately.

(K.S. RATHORE),J.

/KKC/